

*Commissioners Meeting
August 21, 2012*

*Present: David Gogel, Al Logsdon, Mickey Toler, Chuck Painter, Tara Lloyd, Attorney Jeff Lindsey,
Auditor Jane Lynam*

Meeting was called to order by the President David Gogel at 1:00 P.M.

Claims

Toler made a motion to approve the August claims as presented. Logsdon seconded the motion, motion passed.

Highway Report

Painter reported that Rudolph had finished 500E and 2000N last week, except for the shoulder stone, and the seal coat is not on it yet. Will do the chip and seal as soon as the shoulder stone goes down. Painter said he had spoke to the paving foreman concerning 200N because he felt that there was a small ripple in it, probably caused by the way they rolled it, but once the chip and seal goes down it won't be noticeable. Chip and seal should be done in a couple of weeks.

Painter said he had met with Kevin Turner with IDEM, Elliot Englert and Brian Kleeman and they are going to start clean up on Brownfield A & B Parcels. Gogel ask about our in-kind notices. Painter said he was turning everything in to Elliot Englert.

Painter explained that he had 5 applications turned in for the mechanics position, he had called two and they had already accepted employment somewhere else. He would like the Commissioners to go through the other applications with them to see if they can decide on someone. He explained that the prices on tractors just came in before he came down here so he will go through them and report back; Government pricing is available on new equipment. Painter explained that he had been looking at maybe dividing the county into two districts as far as maintenance; because of the new highway, one on each side. He asked that the Commissioners come in to the garage and look over things when they had time, to see what they thought. They would keep the three districts as they are now; just divide them up for maintenance purposes. One side could include Ohio, Luce, Grass, Jackson the other could be Hammond, Harrison Huff, Part of Clay, and Carter. They might have to have only two mowers instead of three, one for each side of the road; just something he wanted them to think about. Logsdon asked what percentage of the Chip & Seal roads have been finished so far. Painter responded that they have everything done in the first district, nothing in District 2 or 3; all CEDIT roads are caught up. Painter expects all district work to be done by the end of October if the weather stays nice. Logsdon said he had a question concerning the mechanics position; what if you were a retired mechanic, drawing social security and wanted to work part time, that might be something to look at because those people would bring a wealth of knowledge to the position.

Engineer Report

Lloyd had spoken to the Historical Society and they would prefer the Huffman Mill Bridge be repainted white. If the Commissioners agreed she would let Quality Craft know to proceed; Commissioners said to go ahead and paint it white. Lloyd explained that she had received two different Memorandums of Understanding from the state, same verbiage they just changed the roads. First one is for the **Official Detour**; they are closing old 231 from roughly August 20 through October 16 to replace 3 different culverts on the old highway. The official detour will be at State Road 70 and old 231 then take St Rd 70 over to the new highway 231, new highway 231 down to county road 350 and then our county road 350N back to the old highway 231. Normally with an official detour the detour is state route to state route, since there is no state route to state route connector they have to travel on a county road; so we are listed on the official detour because they have to get on county road 350N between the two highways. They are asking for your signatures to allow county road 350N to be part of their official detour.

The second Memorandum of Understanding is for the **Unofficial Detour**. The state originally ask if the County would let them out of the obligation of doing an unofficial detour, because by law if they are closed more than 5 days, they have to do one. The state had said the closure would be approximately 10 days and now they are saying 50 something days.

Painter and Lloyd recommended having the state do the unofficial detour to protect the county roads. The unofficial detour would be going the opposite direction, take county road 800N over to old state road, old state road down to 500 and then 500 back out to the old highway 231. INDOT is fine with doing the unofficial detour they just need the paperwork since the road is already closed.

Logsdon stated that the State wouldn't plow snow on a county road because of their lack of liability coverage, but now they want to use part of the county road as their official detour; so how are they covered with liability, do we have to assume the liability coverage? Lloyd asked Rusty Fowler to join the discussion and put the question of liability to him. Fowler explained that the liability issue would not shift; it would stay with the county. The other question concerned the unofficial detour, as the county is

getting ready to pave county roads 800N and old state; would that be a concern to the state? Fowler's response was that he didn't foresee any problems.

Toler made a motion to approve the official detour, State Road 70 and old Highway 231; take State Road 70 over to the new Highway 231 down to county road 350 and then county road 350 back to old Highway 231, Logsdon seconded the motion, motion passed. Logsdon made a motion to approve the unofficial detour, County Road 800N over to old state road, old state road down to 500 and then 500 back out to the old Highway 231, Toler seconded the motion, motion passed.

Rusty Fowler-INDOT

Rusty Fowler from the Vincennes District of INDOT was present and made a formal presentation to the Commissioners to discuss State Road 245 from 70 to the East Junction of 162. With Highway 231 being open the State doesn't see 245 as handling the inventory of traffic going north and south bound anymore. We are all aware that we have a contract out there that we shut down a few years back. In response to knowing that you really wanted that road completed we were approached about doing a route transfer and in some way, shape, or form we could still make that project happen. What we would like to propose is that State Road 245 from 70 to the East Junction of 162 would be transferred to Spencer County. All of the mileage there, 8.36 miles, would be transferred to the county, including that which falls in the town of Santa Claus. The transfer would include the existing alignment and the new alignment of State Road 245 as well as all materials that were purchased on our contract that were not installed that are out there on site. We estimate about 5 million dollars still to be finished on that contract. What we proposed is that we provide 1 million dollars in supplemental federal match resources, toll credits, so that you might leverage the other 4 million dollars for a total of 5 to finish the work that is out there. Toll credits are not cash money, but they are a resource that we can provide you which acts as your match. Effectively it's like we give you your match. What it amounts to simply is 100% funded as far as the construction goes and 100% federal funds of 5 million dollars. We would be looking at the money being available in fiscal year 2015 which is the summer of 2014 for us. Potentially if we decide to go this direction and if the county was agreeable maybe we could break it down into phases and do ½ in 2014 and ½ in 2015. That would be something we could work out as we progress, we can work out the details on that. INDOT designed the plans for our cancelled project; those would be provided to the county; updates to those plans to get them ready to let as a local job would be at the county's expense. There shouldn't be too many design changes because we had a set of design plans that we let and had going. There would be some permit work required, Rule 5 permit is valid until September 2013 from the original project, 401404 permits, water quality permits have expired and they would need to be reacquired. If we proceed with this your hired consultant would have to make sure all your permits are in order.

On the Rule 5 permit the state is technically the project sponsor so that would have to be amended. As far as the mileage in Santa Claus town limits there would have to be an agreement between the County and Santa Claus and you would have to establish who ultimately had control of that mileage. In a nutshell that's it; we are looking to provide federal toll credits in the amount of one million dollars so you can leverage the other four million dollars for a total of five million, so you can complete the project as a local project. Basically in exchange for that you accept ownership of 245 and its long term maintenance.

Logsdon asked if there was any estimate of any kind on the two lawsuits connected with this project. Fowlers' response was no there was no estimate and he was not at liberty to talk about it.

Logsdon said you are not giving us anything but a long term liability; we need to table this matter until we get some expert advice, we just need to move slowly.

Sheriff Lindsey asked what happened if the county didn't accept this offer, and Fowler replied it would be maintained as is.

Lloyd explained that if we were going to bid this project out we would have to have somebody that can give us an estimate as to what it would cost for redesign. We can't just take their plans and specifications, that all has to be redone, reissued; work that has been completed needs to be taken out of the existing plans and specifications. New plans and specifications have to be reprinted and redrawn and that's our cost.

Commissioners decided that a lot of homework needed to be done before any decisions could be made on the proposal.

Bid Openings

Short Johnnystown Road

Engineers' estimate on the project is \$210,756. The project is approximately 2 miles.

- | | |
|-------------------------|--------------|
| 1. Gohmann Asphalt | \$197,166.70 |
| 2. J H Rudolph | \$198,551.50 |
| 3. Metzger Construction | \$225,313.00 |

Logsdon made a motion to have the Engineer take the bids under advisement. Toler seconded the motion, motion passed.

Dilger Road

The Engineers estimate on the project is \$224,707. The project is approximately 2 miles.

- | | |
|-------------------------|--------------|
| 1. Gohmann Asphalt | \$209,806.60 |
| 2. J H Rudolph | \$211,979.00 |
| 3. Metzger Construction | \$241,777.00 |

Toler made a motion to have the Engineer take the bids under advisement. Logsdon seconded the motion, motion passed.

Department Heads-Longevity Pay

Sheriff Lindsey spoke to the Commissioners concerning Proposals A and B one is \$250.00 increments and the other one shows \$500.00 increments, January of your sixth year would be your eligibility time. Basically this is an update to what we, the department heads, have been talking about. We wanted to keep you informed of what we were going to talk to the Council about. This information is for you to look over to see if you have any questions or concerns. Lloyd added that we just want to get something on the table.

Logsdon said that he had obtained copies of the longevity policy for Marshall, Morgan and Warrick counties and had given them to Jack Kroeger to look over.

Bids

Engineer Lloyd had looked over the bids and found everything to be in order. Low bidder on Short Johnny Town Road was Gohmann with a bid of \$197,166.70. Toler made a motion to accept Gohmanns bid of \$197,166.70. Logsdon seconded the motion, motion passed.

Low bidder on Dilger Road was Gohmann with a bid of \$209,806.60. Toler made a motion to accept the Gohmanns bid of \$209,806.60. Logsdon seconded the motion, motion passed.

Debbie Steinkamp-Property Maintenance

Spoke to the Commissioners concerning two properties, seeking permission to have someone to go in and clean it up.

The first property is located at 1152 N Maple Street, Hatfield. This is an empty house; the first notice of non-compliance was May 3, 2012. A proposed finding of fact as Debbie Steinkamp knows it to be; property is in violation of Section 3.1 of the Property Maintenance Agreement. Neither Charles nor Delores Carter was present to speak. Logsdon made a motion to approve the findings of fact and enter the order that accompanies the findings of fact on the Carter property. Toler seconded the motion, motion passed.

Second situation s property located at 1170 Maple Street in Hatfield. This property was abandoned in 2010; no one knows where they are. Steinkamp had called Chase Bank and got no information. In January 2013 this property will be up for tax sale; if it goes up for tax sale the person buying it has to wait a year before they can go on the property, so it will only get worse. Steinkamp said she was asking for some kind of guidance in this particular situation.

Lindsey said he felt Steinkamp needed to go through the procedure and follow the process as outlined in the Ordinance and go from there.

Other Business

Gogel said that he had a request for an appointment to the animal control board from Dale; Keith Kroll had agreed to take the position to represent the town of Dale. Logsdon made a motion to appoint Keith Kroll to the Animal Control Board. Toler seconded the motion, motion passed.

Logsdon said the Friends of the Pioneer Village had asked if they needed to have liability insurance for the Civil War Ball they were going to hold in September. However, Commissioners do not require ABR to carry additional liability insurance. There was discussion between the Commissioners and the Attorney and it was decided that Friends of the Lincoln Pioneer Village did not have to carry any additional liability insurance in order to hold the ball in the Courthouse. Logsdon will let them know what the Commissioners decided.

Commissioners gave permission for the Meet You at the Pole Rally to be held on September 25th.

Gogel explained that at a meeting of the EMA Advisory Council seven of the fire chiefs were in favor of removing the burn ban and two were in favor of continuing it for another week. Toler said he had done some research and at onetime 64 counties had a burn ban and only 24 still have them. There was discussion concerning the pros and cons of lifting the ban. Logsdon made a motion to remove the burn ban. Toler seconded the motion, motion passed. Logsdon said that since he and Toler would both be out of the state he would make another motion that if the weather changed and the fire chiefs decide a burn ban needs to be re-instated that the President of the Commissioners would have the authority to go ahead and reinstate the ban. Toler seconded the motion, motion passed.

Elliott Englert from Indiana 15 spoke to Logsdon on the phone and he told the Commissioners that Kevin Turner with EPA met last week at the United Energy Site to look at cleaning up Parcels B & C. They will clean up Parcels B & C through Emergency Response Funds; work will begin on Thursday. They will remove all tanks, everything in the tanks, and ground contamination. They will sell the tanks to help defray their costs. No matching monies will be required from Spencer County. Englert believes that after the clean up the county will be free to use the property for whatever purpose we choose.

Logsdon asked Lindsey since the county owns the property and everything on the property, is there any action the EPA needs to take to be able to destruct, tear down and sell the steel tanks on that property. Lindsey will check and get back to them if any action is needed.

Logsdon asked what the projected cost of the clean up would be and if we needed to advertise before they put it out for bid. Englert explained that they had applied for and received \$650,000 for the clean up, and EPA has their own contractors to do this work.

Englert reminded everyone of the meeting on the Brownfield Cleanup projects to be held on September 5th from 10:00 until 3:00 P.M. at Englerts' office at Region 15.

Since Toler and Logsdon will both be out of town on the regular meeting date Logsdon made a motion to hold the first meeting of September on Friday, September 7th at 10:00. Toler seconded the motion, motion passed.

Logsdon asked what they were going to do concerning the proposal from the state concerning 245.

Logsdon stated that he had spoken to an Engineering firm and they told him that the county would have to hire a consultant and consultants are expensive, they ask if the county could come with an additional 2 million dollars to finish the project if they had too.

Lindsey said you would have to close the road to finish the project; we need to think about this also.

Lloyd said to come up with that kind of money we would have to put the CEDIT plan on hold for years; we need to know what the actual cost for us will be before we agree to anything.

Logsdon asked if the Council is agreeable to the Longevity Proposal would any action be required by the Commissioners. Lindsey said we need to wait until the Council makes some kind of a decision and then we will know if the Commissioners need to do anything.

Logsdon made a motion to dismiss, Toler seconded the motion, motion passed. The meeting was adjourned at 3:55 P.M.

President

Attest:

